

PAUL HASTINGS

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August 7, 2018

VIA ECF

Honorable Colleen McMahon
Chief United States District Judge
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: United States v. Connolly, et al., 16-CR-370

Dear Chief Judge McMahon:

We write in response to the government's letter to the Court, dated August 6, 2018, requesting that the Court enter a scheduling order regarding submissions of proposed *voir dire* questions, jury instructions, and verdict forms. [Dkt. 283.] The government represented to the Court that "[t]he defense did not agree to these dates, nor did it provide alternative dates." [*Id.*] Defendants wish to clarify for the Court Defendants' position regarding the government's proposed scheduling order.

On August 3, 2018, the government contacted defense counsel regarding proposed dates for the parties to submit *voir dire* questions, jury instructions, and verdict forms. On August 6, 2018, defense counsel responded that they were amenable to the government's proposed scheduling order, but requested that the government commit to providing Defendants with a proposed witness list along with its 3500 production on August 10, 2018, or to include in the proposed scheduling order a date certain by which the government will provide Defendants with a proposed witness list. Defendants also requested that the parties agree to provide 48 hours' notice as to which witnesses will be called and which exhibits will be used during direct examination. The government responded that they could not agree to provide a witness list by August 10, 2018 and noted that it would consider the other issues and get back to defense counsel. Less than thirty minutes later, the government filed its proposed scheduling order, noting that the defense would not agree to the government's proposed dates.

Defendants hereby inform the Court that Defendants do not object to the dates proposed by the government for the submission of *voir dire* questions, jury instructions, and verdict forms. Defendants also intend to submit a juror questionnaire and are prepared to do so by September 4, 2018. Defendants, however, respectfully request that any proposed scheduling order (1) require the government to provide Defendants with a proposed witness list by August 10, 2018; and (2) require the parties to provide 48 hours' notice as to which witnesses will be called and which exhibits will be used during direct examination.

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Respectfully submitted,

/s/ Kenneth M. Breen

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cc: Counsel for all parties (via ECF)